

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 9TH JANUARY 2007 / 19TH PAUSHA 1928

WP(C).No. 33797 of 2006(W)

PETITIONER:

THANKAMONY, AGED 54 YEARS,
DEEPU NIVAS, ARUVACODE, PAPANNAMCODE,
THIRUVANANTHAPURAM (DEPUTY MARKETING MANAGER (P)
(UNDER SUSPENSION), HEAD OFFICE, KERALA HANDLOOM
WEAVERS CO-OPERATIVE SOCIETY LTD,
THIRUVANANTHAPURAM.).

BY ADV. SRI.SUMAN CHAKRAVARTHY
SRI.BANERJEE P.K.

RESPONDENTS:

1. THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
THIRUVANANTHAPURAM.
2. THE MANAGING DIRECTOR,
KERALA STATE HANDLOOM WEAVERS CO-OPERATIVE
SOCIETY LTD., THIRUVANANTHAPURAM.
3. THE SECRETARY,
KERALA STATE HANDLOOM WEAVERS CO-OPERATIVE
SOCIETY LTD., THIRUVANANTHAPURAM.
4. THE STATE OF KERALA REP.BY ITS
CHIEF SECRETARY GOVT. SECRETARIAT,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.P.K. RAVIKRISHNAN
SRI.N.K.CHANDRAMOHANDAS, SC FOR HANTEX

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 09/01/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

- EXT.P1- A TRUE COPY OF MEMO DATED 29.1.2004
- EXT.P2- A TRUE COPY OF THE EXPLANATION TO MEMO, DATED 6.2.2004
- EXT.P3- A TRUE COPY OF THE SUSPENSION ORDER A & E4/CB/S.C/12/04
DATED 17.3.2004
- EXT.P4- A TRUE COPY OF THE EXPLANATION TO MEMO OF CHARGES,
DATED 18.10.04
- EXT.P5- A TRUE COPY OF THE ACKNOWLEDGEMENT DATED 1.03.06

(TRUE COPY)

P.A TO JUDGE

J.M.JAMES, J.

W.P.(C). 33797/2006

Dated this the 9th day of January, 2007

JUDGMENT

The writ petitioner was working as Deputy Marketing Manager in the second respondent, Society. For the allegations made against her, she was proceeded against as per the law and was suspended from service, with effect from 17.3.2004. She continues under suspension, and is receiving substance allowance under Rule 198(6) of the Kerala Co-operative Societies Rules, 1969, in short 'the Rules'.

2. If an employee is kept under suspension for a continuous period exceeding one year, there shall be prior approval of the Registrar. The learned counsel for the writ petitioner submits that no approval had been taken. However, counsel for the respondents submits that the required permission had been received from the Registrar. He also submits that the enquiry is already completed and the show cause notice had been issued on

22.12.2006, through registered post with acknowledgment due, as well. The counsel for the writ petitioner however, denies as having received such a registered notice.

3. After hearing both sides and considering the facts that are placed before me, I direct the respondents to take a final decision on the report of the enquiry submitted to the second respondent and to pass final orders within one month from today. In case of any failure on the part of the respondents to pass final orders as directed above, the writ petitioner shall be immediately reinstated, after the above said period of one month.

The writ petition is closed as above.

**J.M.JAMES
JUDGE**

mrCS